

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARLENA COLVIN, ET AL.,

Plaintiff,

v.

UNITED STATES OF AMERICA, ET  
AL.,

Defendant.

No. 2:23-cv-01787-CKD

ORDER TO SHOW CAUSE

This action was filed on August 22, 2023 and assigned to solely the undersigned pursuant to Appendix A of the Local Rules. (ECF Nos. 1, 3.) Plaintiffs were issued summons, an initial scheduling order, and a consent form. (ECF Nos. 1, 2, 3.)

Under the initial scheduling order, plaintiffs were required to serve defendant within 90 days, and by 10 days after, “file with the Clerk a certificate reflecting such service.” (ECF No. 3 at 2.) This is also required by Rule 4 of the Federal Rules of Civil Procedure:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Despite the deadline, the record does not reflect that plaintiffs have

1 attempted service on defendants. Thus, plaintiffs' complaint is on the verge of being dismissed.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Within 14 days of this order, plaintiffs shall file a statement with the court indicating  
4 the status of service, or any good cause reasons why defendants have not been served  
5 pursuant to Federal Rule of Civil Procedure 4.
- 6 2. Failure to respond to this order, or failure to show good cause for the lack of service of  
7 process, will result in dismissal of plaintiffs' case without prejudice.

8 Dated: December 6, 2023

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10 CAROLYN K. DELANEY  
11 UNITED STATES MAGISTRATE JUDGE

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